

Ser. No. 10/798,586

Remarks

Claims 1-12 were pending in the application. Claims 1-12 were rejected. No claims were merely objected to and no claims were allowed. By the foregoing amendment, claims 4-6, 9, 10, and 12 are canceled, claims 1 and 7, 8, and 11 are amended, and claims 13-20 are added. No new matter is presented.

Claim Rejections-35 U.S.C. 102

Claims 1, 2, and 9-11 were rejected as being anticipated by Kocher (US3577742). Applicants respectfully traverse the rejection.

Claims 1, 4-6, and 9-11 were rejected as being anticipated by Tinkey (US3108453). Applicants respectfully traverse the rejection.

Claim Rejections-35 U.S.C. 103

Claims 3, 8, and 12 were rejected under 35 U.S.C 103(a) as being unpatentable over Kocher in view of Lifson (US6474087). Applicants respectfully traverse the rejection.

Claim 7 was rejected under 35 U.S.C 103(a) as being unpatentable over Tinkey in view of Kramer, Jr. (US228834). Applicants respectfully traverse the rejection.

Combined Discussion

Claims 1 and 11 represent former claims 6 and 12 in independent form. Claims 7 and 8 have also been placed in independent form.

Claim 1 (former claim 6): Accordingly, only the Tinkey anticipation rejection was made against claim 1. However, Tinkey teaches the opposite positioning of that claimed in claim 1. Regarding the heat exchanger location of this claim, the Office Action at page 3 referenced FIG. 7 and col. 4, lines 52-66 of Tinkey. The first and second evaporators were identified as 5 and 6, respectively. The first heat exchanger is represented by the "stabilizer shell 23" and the second by the similar unnumbered structure therebelow on the drawing sheet. Refrigerant from Tinkey's condenser, however, first enters the first heat exchanger 23 and then passes into the second heat exchanger. Col. 4, lines 65-66. Thus, Tinkey's first exchanger donor conduit is upstream of its

Ser. No. 10/798,586

second heat exchanger donor conduit rather than downstream as claimed in claim 1. See present FIG. 3. There is no suggestion in Tinkey or the other references for reversing these positions.

Claim 7: Similarly, the Tinkey in view of Kramer, Jr. rejection is the only rejection made against claim 7. However, Kramer, Jr. merely shows the running of multiple evaporators in parallel on a single compressor. Even if one were to attempt a combination, there is no suggestion for it to be the claimed combination. For example, one might adopt the parallel branching of Kramer, Jr. by adopting multiples of Tinkey's element 5 (each with an associated 9) but coupled in common to 23. See Tinkey FIG. 7. This would still have the series flow through the heat exchangers (cited as element 23 and the similar unnumbered element below). This would not yield the claimed branching (parallel) flow through the heat exchangers. See present FIG. 4. Thus, whereas present FIG. 3 and claim 1 identify an opposite direction of series flow to that taught by Tinkey, claim 4 is a parallel flow not suggested by Tinkey or any combination of references.

Claims 8 and 11 (former 12): Similarly, the Kocher in view of Lifson rejection is the only rejection made against independent claims 8 and 11. See present FIG. 5. The citation is insufficient for several reasons. First, Lifson was cited for "the use of an economizer connected to the intermediate port of the compressor in order to increase performance of the system in view of the teachings of Lifson." However, Kocher itself discloses an economizer in the form of a flash chamber 40 connected to the port 20 in FIG. 2. Accordingly, Kocher does not need Lifson for the teaching of an economizer. Furthermore, Kocher's FIG. 1, however, was cited for the primary reference. Kocher teaches the economizer and the second evaporator as alternative structures, thus teaching away from their combination.

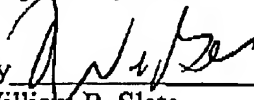
New claims 13, 16, 19, and 20 identify refrigeration of first and second compartments of a refrigerated container with positioning of the evaporators in the compartments. Support for this is found in the first paragraph of page 4 referencing the container 26. Claims 2 and 3, respectively, remain supported by former claims 2 and 3 as do their analogous new dependent claims depending from the other independent claims.

Accordingly, Applicant submits that claims 1-3, 7, 8, and 11-20 are in condition for

Ser. No. 10/798,586

allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

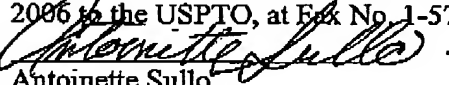
By 
William B. Slate
Attorney for Applicant
Reg. No.: 37,238

Telephone: 203-777-6628

Telefax: 203-865-0297

Date: April 17, 2006

I hereby certify that this correspondence is being facsimile transmitted this 17th day of April, 2006 to the USPTO, at Fax No. 1-571-273-8300.


Antoinette Sullo